

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
Report of Administrative Investigation by PCSO
April 11, 2011

1 37. ISSUE: HENDERSHOTT BEHAVED INAPPROPRIATELY, UNLEASHING A
2 VERBAL TIRADE AGAINST LISA ALLEN, IN THE PRESENCE OF COMMAND
3 STAFF AND COUNTY ATTORNEY ANDREW THOMAS – SUBJECT:
4 HENDERSHOTT
5 (Munnell Memo p. 4)

6
7 **Chief Deputy David Hendershott**

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9 H32A. Allegedly, in the presence of Maricopa County Attorney Andrew Thomas,
10 Thomas' subordinate(s) and various members of the command staff, Chief
11 Deputy David Hendershott unleashed a verbal tirade against MCSO
12 Communications Director Lisa Allen, involving vulgar and profane language
13 and a clear display of anger and hostility. This was in response to Allen
14 allowing a Channel 3 reporter, Mike Watkiss, access to the 19th Floor for a press
15 conference.

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17 **MUNNELL'S WRITTEN ACCOUNT**

18
19 You have seen Hendershott's unprofessional and abusive treatment of employees. You were
20 present along with command staff and County Attorney Andrew Thomas when Hendershott lost
21 his temper and unleashed a angry vicious verbal tirade against Lisa Allen for allowing local
22 Channel Three television reporter Mike Watkiss access to the nineteenth floor for a press
23 conference against Hendershott's wishes stunning everyone. Allen fled your office crying and
24 reported the incident to Chief Barkell.

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26 **WITNESS ACCOUNTS**

27
28 **Frank Munnell**

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30 Munnell's sources on this information include Lisa Allen and Jerry Sheridan. Munnell's
31 hearsay account is found on p. 93 of Exhibit II.28b.

32
33 **Lisa Allen**

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35 Lisa indicated that approximately four to five weeks before the 2008 election, there was
36 going to be a joint press conference involving Andrew Thomas and Sheriff Arpaio.
37 Present were Thomas, Sheriff Arpaio, the PIO from the County Attorney's Office, Paul
38 Chagolla and others. Everyone was in the Sheriff's Office at this point. Lisa explained
39 the underlying circumstances.

40
41 A: Correct. Right. And we, Mike Watkiss, a reporter from Channel 3 had
42 recently got on our no-fly list. He had perhaps two or three weeks before
43 approached the Sheriff when the Sheriff was getting some lunch over at the
44 County Complex, demanding to know whether or not the Sheriff had ever
45 masturbated on County time. Apparently he was livid at the Saban ad, and felt
46 like he's just going to turn his cameras on Arpaio and ask that kind of question.

April 11, 2011

1 And rightfully so, Arpaio was really pissed off at the whole venue and the way he
2 approached him. It was very unprofessional. We called the news room and we
3 chatted with the new director about it, we really wanted an apology. We never
4 got one. And so, per typical at that time, you know, emotions were really, really
5 high. He was just going to be on a list where we weren't going to have him at a
6 press conference. And he shows up. Now at the time Paul was still in the press
7 room, he was still, as a PIO. And we're all in the Sheriff's Office and somebody
8 comes down the hall and says Mike Watkiss, probably one of the security guys
9 who knew that Watkiss had done this to the Sheriff, and he was on the no fly list.
10 Mike Watkiss is in the lobby. He's trying to get into the press conference. Well,
11 I sure as hell didn't want Paul Chagolla going into the lobby to talk to Mike
12 Watkiss, because I knew, and apparently nobody else sometimes is smart enough
13 in the office to understand the games that the media play, that given the
14 combative nature right now between Watkiss and the Sheriff, that their cameras
15 would be rolling when we went in to talk to him. And if Paul were going to do it,
16 it would turn into this whole media fiasco, because he has no common sense when
17 it comes to this type stuff. So I got ahead of Paul and I marched my way down
18 there to Mike Watkiss before Paul could get to him. And rightly so, the cameras
19 were rolling, and I said Mike, you understand that we've got a bit of a problem
20 with you, and given what happened a few weeks ago, we're not very comfortable
21 having you in this press conference, but if you can promise me that you're not
22 going to behave and ask those kinds of questions you asked of the Sheriff a
23 couple of weeks ago in this press conference, then I have no problem with you
24 being here. You have my word, no problem. And that ended it. At that point. So
25 I went back down, I said I've talked to Mike, I have his promise he's not going to
26 misbehave, and so I've let him in. And Hendershott went ballistic. Now, I don't
27 know if you've ever seen anything like it, because I certainly haven't. I mean the
28 man is 500 lbs., or 450 lbs. and he started to shake and he turned really red, and
29 foam got around his mouth and spittle was coming down, and he was, you know,
30 you went against my fucking order, and how dare you do this, and Andrew
31 Thomas had to come to my defense, to say, David, she's really right, you know,
32 you don't want to stop this. This is government paid for, you know, you can't
33 really block people, don't even worry about it, we'll handle it, and David kept
34 going on, you, how dare you, you fucking go against my order. I mean the F
35 word was just really being thrown out there.

36
37 Q: So a lot of F bombs, were there any expletives used directly toward you?

38 A: No, like you bitch or something?

40 Q: Yeah, exactly.

42 A: No, nothing like that. And poor Andrew Thomas, and really everybody
43 was like a deer in the headlights because he was so, he was shaking so violently
44 and the Sheriff even, you know, when David gets like this, and he may have seen
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April 11, 2011

1 David get like this before, where he gets really pissed off and so forth, it was
2 shocking to even the Sheriff because his whole demeanor was, oh, my God, you
3 know, I'm, I'm, it's coming right at me. You know, he wouldn't know what to
4 say. (pp. 52-53, Exhibit II.2a)

5
6 Later, Ms. Allen indicates, Hendershott did come into his office and apologize. In the
7 aftermath of the incident, Allen had spoken with Loretta Barkell, who had also witnessed
8 what had occurred, and considered that Hendershott had created a hostile work
9 environment for Allen. Allen says that she thought about it, and then went to talk to
10 Sheriff Arpaio about what had occurred, but as she put it, "he wanted to blow it off." (p.
11 55, Exhibit II2) Allen claims that she was angry with Sheriff Arpaio because it appeared
12 to her that he wanted to minimize something that she found to be so egregious. She
13 went to the Sheriff a second time, and told him that she was going to file a hostile work
14 environment claim against Hendershott, because she did not feel that Sheriff Arpaio
15 was handling it. According to Allen, Sheriff Arpaio agreed to handle it, and within in a
16 matter of minutes, Hendershott apologized for what had occurred.

17
18 **Loretta Barkell**

19
20 Barkell indicated that she happened to be coming down the hall at the time that
21 Hendershott was yelling at Lisa Allen for allowing Channel 3 reporter Mike Watkiss onto
22 the 19th floor. She did observe that Lisa was sitting in a chair, and Hendershott was
23 towering over her. He was taking his finger and pointing it at her, in the process of
24 "reaming her for allowing that reporter to come to the Sheriff's press conference." (p. 86,
25 Exhibit II6a) Among the other persons in the room were Sheriff Arpaio, Andy Thomas,
26 Barnett Lottstein and others. According to Barkell, Hendershott "just ripped into her just
27 up one side and down the other." Loretta, as she was coming down the hall, at first did
28 not realize what was happening, and then it was obvious, because Lisa fell apart, and
29 started crying before Hendershott had finished his outburst. Barkell acknowledged that
30 she did not hear the entire discussion, but just saw Hendershott hovering over her as
31 she was walking by, because the door was wide open.

32
33 Barkell indicated that when Hendershott had chastised her, it was 8 on a scale from 0
34 (totally calm) to 10 (extremely upset, yelling and using profanity). However, in the
35 chastising of Lisa Allen, Chief Hendershott was a 10 on a scale of 0 to 10. It was her
36 perception that Hendershott was "out of control." (p. 87, Exhibit II6a)

37
38 Loretta indicated that the following day, after Hendershott had chastised Lisa Allen, she
39 talked to Sheriff Arpaio, and told him that she had witnessed the behavior of the Chief
40 Deputy toward Allen. She told Sheriff Arpaio that what Hendershott had done could be
41 considered harassment and a hostile work environment, and that Lisa could file a
42 grievance against the Sheriff and the Sheriff's Office. She recommended to Sheriff
43 Arpaio that he get Hendershott under control. I asked her what Sheriff Arpaio's
44 response was.

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MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
Report of Administrative Investigation by PCSO
April 11, 2011

1 Q: What was the Sheriff's response?
2

3 A: Once again he said, I know, I'll talk to him. I said, Sheriff, do you realize
4 that Lisa was ready to walk out the door? I know you don't want to lose Lisa.
5 Well, I didn't realize that. Well, you need to realize that. And you need to tell
6 him to stop, to stop picking on her and stop being in her face. And treating her so
7 poorly. And I said, this can't be tolerated, Sheriff. This is not how an operation
8 should run. This is not how you treat people. You treat them humanly. And he
9 said he understood what I was trying to say and that he would talk to him. (p. 88,
10 Exhibit II6a)

11 According to Barkell, it was also in this timeframe that Chief Hendershott convinced
12 Sheriff Arpaio that any press release written by his PIO staff had to be reviewed by
13 Hendershott.

14 **Ray Churay**

15 Churay denied being present for the verbal altercation between Hendershott and Allen.

16 **Brian Sands**

17 Sands acknowledged that he was present when this event occurred. According to
18 Sands, Hendershott "really did throw a fit about it," and questioned her about her
19 decision to let Mike Watkiss access to the 19th floor for a press conference. Sands
20 denied recalling exactly what Hendershott said. When asked whether there was use of
21 profanity and expletives by Hendershott, Sands responded that there could have been,
22 but he could not recall exactly what was said. He acknowledged that representatives of
23 the County Attorney's Office were present, including the County Attorney, and that
24 Hendershott did not handle the issue appropriately from a supervisory or management
25 standpoint. He did say that Hendershott "got very loud" and "was yelling at her."
26 According to Sands, even Phil MacDonald, from the County Attorney's Office, made
27 some kind of comment that Hendershott's reaction was inappropriate.

28 **Jerry Sheridan**

29 Sheridan indicated that he was sitting in the room when this event occurred. This event
30 was to be a press conference, and present were Andy Thomas, his Chief Deputy, Phil
31 MacDonald, the County Attorney's Office PIO, one or two other County attorneys, Jerry
32 Sheridan, Brian Sands, Sheriff Arpaio, Chief Hendershott and, of course, Lisa Allen.

33 Sheridan's description of what happened in the room was as follows.

34 A: Oh yeah. Yeah. There was a lot of people there. And there was a lot of I
35 wouldn't say tension, excitement in the room. And I wish I could remember what
36 the press conference was, probably give you a better idea of why everybody was

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
Report of Administrative Investigation by PCSO
April 11, 2011

1 so excited about this press conference, and Lisa came in the room and she said,
2 hey, Sheriff, I got to tell you, you know, I think it was Mike Watkiss, Mike
3 Watkiss is in the room, and Dave snapped around, turned around, what? Yeah,
4 you know he's in the room now, it's too late to kick him out, got all the cameras
5 here, they're all set up, they're all rolling already, and I can't kick the guy out.
6 Dave flipped out. Spittle coming out of his mouth, using every profanity towards
7 her, absolutely, I was mortified. Everybody in the room was stunned, to include
8 the Sheriff, and Thomas, I'd never seen anybody act like that. In that kind of
9 setting, in any kind of setting to be honest with you. And Lisa was mortified, and
10 she just kind of like, turned around and burst into tears and ran out the door.

11 Q: Can I ask you for some detailed information as to what he said to her?

12 A: Oh, man, you know, I don't know. I, ...

13 Q: Well, just so that I understand, was it filled with expletives, is that it?

14 A: Yeah, it wasn't nice. Yeah, he was calling her names, and I don't, I don't
15 know. Stupid, fucking idiot, I don't know what. He was angry at her because
16 Mike Watkiss was in the room. And Mike Watkiss had done a hit piece or done
17 something that Hendershott didn't like, I think it was over the Saban, Mike
18 Watkiss was a very good friend of the Sheriff's office. Good reporter, good
19 friend of ours. Up until the Dan Saban story about his mother accusing him of
20 raping her. And Mike Watkiss just went off the edge on us, hated our guts after
21 that. And I don't think this was too long after that. So, in Dave Hendershott's
22 eyes, Mike Watkiss was persona non grata on the 19th Floor, not to be allowed in,
23 told everyone he was not to be allowed in, and our press conference is on the 19th
24 Floor. (p. 41, Exhibit II37)

25 ... Dave just absolutely blew up on her. What he said and all that, I don't know,
26 but I can tell you the look on his face, he absolutely turned beet red, the spit was
27 coming out of his mouth, and just screaming at her, in only the way that Dave
28 Hendershott can. (p. 42, Exhibit II37)

29 Sheridan added, "I can't say how many family fights I've been to, I've never seen
30 anybody treat anybody like that." (p. 42, Exhibit II37)

31 After Hendershott's outburst, everyone in the room was "absolutely mortified," and the
32 room was utterly silent. He does not know what Sheriff Arpaio did after everyone had
33 left the room. The Sheriff did not say anything, in the immediate aftermath of
34 Hendershott's outburst, at least while Sheridan was in the room. Sheridan perceived
35 that after Hendershott's outburst, in front of Andy Thomas, Phil MacDonald and a host
36 of other individuals, the relationship between MCSO and the County Attorney's Office
37 changed, and as Sheridan put it, "not in a subtle way." (p. 45, Exhibit II37)

1 **David Hendershott**

2
3 Hendershott indicated that prior to the date in question, after the Saban ad had aired,
4 reporter Mike Watkiss had approached Sheriff Arpaio in the street, and asked him "a
5 really inappropriate question," basically, how often the Sheriff masturbated. According
6 to Hendershott, Sheriff Arpaio was furious, told Hendershott that Watkiss was not to be
7 allowed on the 19th floor. According to Hendershott, everyone knew that Watkiss was
8 not welcome on the 19th floor, but Lisa Allen, on the date in question, decided on her
9 own that she would be the "peacemaker" with Watkiss and let him on the floor. She
10 made the announcement that she had done so when Hendershott was sitting with Andy
11 Thomas and other personnel. Hendershott then corrected himself and said one of the
12 PIOs told him that Lisa had done this. Subsequently, Hendershott called Lisa to the
13 room, asked if she had let Watkiss in, and she said yes. Hendershott denied that he
14 went into a tirade, but he acknowledged having raised his voice "out of absolute
15 frustration" and said, "I can't believe you'd do that." He says that he walked out of the
16 room and "that was the end of that." (p. 32, Exhibit II16f)

17
18 Hendershott denied using profanity in the discussion, and when asked if he was certain
19 about that, his comment was "I am not positive, but I am pretty sure I didn't." He then
20 added, "but I might have said, you know, GD [God damn] or, you know." (p. 32, Exhibit
21 II16f) As he put it, "my comment was short and expressed great dissatisfaction." He
22 acknowledged that he may have used what could be considered a "swear word."
23 Hendershott was not sure that he did not use profanity, but kept repeating how upset he
24 was about the actions of Ms. Allen.

25
26 Hendershott acknowledged that he raised his voice, and when asked if he yelled at her,
27 he stated, "I definitely spoke to her in an elevated voice. I did not scream at her." (p. 33,
28 Exhibit II16f) Hendershott claims that his comments to Lisa Allen were made as he was
29 walking out the door. He said it took him, from the time he got to couch and walk out
30 the door, "probably maybe four seconds, that's when I made the comment and I walked
31 right outside the door, frankly, because I was just really upset." (p. 33, Exhibit II16f)
32 Hendershott indicated that apart from Andy Thomas, Sheriff Arpaio was also present, as
33 were other PIOs, and perhaps personnel from the County Attorney's Office.

34
35 When asked if he had been compliant, for example, with policy no. CP-2.1A,
36 Hendershott answered in the negative, and acknowledged that the matter should have
37 been addressed differently. He should have written her up, and investigated what had
38 occurred after the press conference. When asked why he did not write up Lisa Allen for
39 violating a directive, according to Hendershott, the Sheriff did not want him to do so. In
40 fact the Sheriff facilitated a meeting between Lisa Allen and Hendershott, during which
41 Sheriff Arpaio and Hendershott discussed the importance of Lisa following the Sheriff's
42 rules. Hendershott also acknowledged having apologized for raising his voice with her,
43 and she acknowledged her error in allowing Watkiss onto the floor.